
REMARKS

Claims 1, 2, 6-9, 15-18, 20 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Catalano (U.S. 4,731,606). Applicant respectfully traverses this rejection.

The presently claimed invention relates to a device for delivering a fluid drug, wherein a valve is provided. The valve only opens when a force exerted against it exceeds the force generated by the pressure of the dead weight of the fluid drug. For example, a container having the fluid drug could be hanging from some height above a patient. A cannula coupled with container could be inserted into the patient. No fluid flow will result merely because of gravity. Instead, fluid flow will only result when additional pressure is applied (e.g., by advancing a piston) that causes the pressure on the valve to exceed the pressure generated by the dead weight of the drug. Thus, the present invention does not facilitate the introduction of fluid drugs solely through a gravity feed mechanism. Of course, once a fluid drug is caused to move beyond the claimed valve, various means of introduction, including a gravity feed could then be utilized as desired. However, the point of having the valve is to prevent the fluid drug from moving past the valve at any time other than when intended.

The Examiner has relied on the Catalano reference and again parrots the claim language and asserts that the reference meets the recited limitation without pointing out how the reference could possibly support such an assertion. In particular, the Examiner asserts that "he teaches a valve . . . wherein flow of fluid is permitted . . . when pressure is exerted on the inlet end of the valve [sic] exceeds a pressure on the inlet end caused by the pressure of the fluid drug." This statement is factually incorrect and it is actually impossible for the Catalano device to function in such a manner.

The Catalano device provides a float-type valve that operates to prevent fluid flow when free flow conditions exist beyond the valve. That is, if the fluid drug is being dispensed too rapidly, the valve will close preventing subsequent fluid flow. The valve has a given density so that it floats within a drip chamber in an open position when a given fluid *rate* is achieved.

The Catalano device is different from the claimed invention in a number of different ways. First, a reading of the specification clearly indicates that the fluid supply device is gravity fed. This is contrary to the claimed device which only permits fluid flow when such forces are exceeded. More specifically, the presently claimed valve only opens when the pressure exerted against it exceeds the pressure generated by the dead weight of the fluid, which is of course caused by gravity in certain contexts. Second, the Catalano valve is designed to close when a flow rate exceeds a predetermined amount. In the present device, flow will continue at any rate so long as the pressure exerted on an inlet side of the valve is in excess of the dead weight of the fluid.

Third, increasing the pressure on an inlet side of the Catalano valve will cause that valve to *close*, not open. Referring to the reference, Figure 1 illustrates the Catalano valve in the open position while Figure 2 illustrates the valve in the closed position. If pressure were increased on an inlet side when the valve is in the open position, that force would be received by the large head 41 of the valve and the valve would move downward to the closed position and fluid flow would cease. Likewise, if the valve were already closed (Figure 2) and the pressure were increased, the pressure would act to further seal the valve – it could not open it; despite the Examiner's assertions to the contrary.

Thus, the Catalano reference does not anticipate the presently claimed invention. No fair reading of that reference could possibly construe the teachings therein to anticipate or teach the presently claimed invention. As noted above, the Catalano reference works to achieve an entirely different purpose, is gravity fed, and is and remains closed when inlet pressure is increased. The Examiner is respectfully urged to bring this prosecution to a timely end and issue a Notice of Allowance forthwith. Should any outstanding issues remain, the Examiner is strongly urged to telephone the undersigned to expedite prosecution.

New claim 26 is similarly allowable over the prior art of record. This application now stands in allowable form and reconsideration and allowance is respectfully requested.

Respectfully submitted,

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